

Members

Rep. Ryan Dvorak, Chair
Rep. David Wolkins
Rep. Matt Pierce
Rep. Marlin Stutzman
Sen. Beverly Gard
Sen. Lindel Hume
Sen. Marvin Riegsecker
Sen. Karen Tallian
Doug Meyer
Stephen L. Murray
Dave Wyeth
Dwayne Burke
Stacy Herr
John Hardwick
Art Umble
Calvin Davidson
Jon H. Moll
Thomas Easterly



ENVIRONMENTAL QUALITY SERVICE COUNCIL

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Authority: IC 13-13-7

MEETING MINUTES¹

Meeting Date: August 27, 2008
Meeting Time: 1:00 p.m.
Meeting Place: State House, 200 W. Washington St., House
Chambers
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Ryan Dvorak, Chair; Rep. David Wolkins; Rep. Matt Pierce; Sen. Beverly Gard; Sen. Lindel Hume; Doug Meyer; Dave Wyeth; John Hardwick; Art Umble; Calvin Davidson; Jon H. Moll; Thomas Easterly.

Members Absent: Rep. Marlin Stutzman; Sen. Marvin Riegsecker; Sen. Karen Tallian; Stephen L. Murray; Dwayne Burke; Stacy Herr.

Call to Order. Rep Dvorak, Chair of the Council, called the meeting to order. After the introduction of Council members, he asked Commissioner Tom Easterly, Indiana Department of Environmental Management (IDEM), to provide the Council with an overview of the work of the agency.

Commissioner's Report. Commissioner Easterly reported on the work of IDEM (EQSC IDEM Report–August 27, 2008) and presented the Council with the following reports:

Legislative Report on CFO/CAFO Activities
August 2008 Administratively Extended NPDES Permits
Enforceable Operating Agreement Program Report
Permit Operation Fund Report
FY 2007 Annual Report on the Waste Tire Management Program
The Indiana Source Reduction & Recycling Annual Report
Annual Report of the Indiana Household Hazardous Waste Grant Program
(See Exhibit 1 for the text of the above cited reports.)

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Antidegradation Implementation. Martha Clark Mettler, IDEM, provided the Council with an overview of the federal framework and the Indiana rulemaking process involved with implementing the antidegradation rule. (See Exhibit 2.)

Antidegradation–Northwest Indiana Forum Perspective. Kay Nelson, Executive Director, stated that it is important to the economy that anyone wanting to establish a business be able to obtain information on what is needed for a permit and the time frame involved with obtaining a permit. The antidegradation process has to be clear and consistent and readily understood by the public. She would like to see the test that will be used to determine if the degradation provides a social and economic benefit.

Hoosier Environmental Council Perspective. Rae Schnapp, Ph.D., Water Policy Director, explained that antidegradation is one of three fundamental parts of the Clean Water Act. The Act requires states to adopt water quality standards that (1) designate uses (e.g., fishing & swimming); (2) specify criteria that define maximum pollutant levels; and (3) specify antidegradation provisions to protect existing water quality if it is better than minimum quality. Federal rules require states to maintain water quality unless lowering water quality is necessary to accommodate important social or economic development.

Dr. Schnapp stated that IC 5-2-11.7, which pertains to outstanding state resource waters, cannot be implemented because of lack of clarity and because of legislative changes passed in 2000. The rules currently provide that the outstanding state resource waters must be protected without degradation. However, the Legislature in 2000 passed IC 13-18-3-2, which provides that, among other things, the rules must set a de minimis level of pollution where no antidegradation review is required.

Dr. Schnapp added that the current rulemaking workgroup seems fairly balanced and focused and IDEM appears to be running an open and equitable rulemaking process. From the perspective of Dr. Schnapp, the goal is to review new or increased discharges of pollutants with few exceptions. The review should be a meaningful and reasonable consideration of whether the new or increased pollution is necessary to accommodate important social and economic development and whether new technologies might be used to reduce pollutant levels. (See Exhibit 3 for the complete text of Dr. Schnapp's comments.)

Update on the Great Lakes Compact. Ms. Nelson provided an overview of the progress that has been made in other states relative to the endorsement of the Great Lakes Compact. Indiana adopted implementation language and has definitions in place. Ohio and Pennsylvania copied the language. Other states did not incorporate the language. She testified before the Senate Judiciary Committee and supported the process and the participation. Currently, the Compact, SJR 45, has passed the Senate. The House will take up the resolution when it reconvenes in September. She submitted to the Council a letter from Rep. Visclosky to the Chair of the Council of Great Lakes Governors. (See Exhibit 4.)

Sen. Gard addressed the Council, noting that the process in Indiana was a great case study in collaboration.

Adjournment. Rep. Dvorak announced that the Council would meet three more times. He adjourned the meeting at approximately 2:30 p.m.